

TOWN OF TRURO  
BOARD OF SELECTMEN  
MEETING OF TUESDAY, JULY 12, 2005

The Truro Board of Selectmen met for their weekly session on Tuesday, July 12, 2005 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Paul J. Asher-Best, Lloyd F. Rose, Christopher R. Lucy, Town Administrator Pamela Nolan, Assistant Town Administrator John J. Sanguinet, Administrative Secretary Julie DuPree, Peter and Dilys Staaterman, Brian and Polly Boyle, Lucinda Worthington, Jan Worthington, Paul Morris, Jerome Perry, Shirley Smith, Steve Currier, Susan Kadar, Fred Schilpp, Trudi Brazil, Bob Holt, Nick Brown, Fred Sateriale, Mike Roderick, Kaimi Lum of the Banner, and Steve Desroche of the Cape Codder.

Mr. Gaechter convened the meeting at 6:10 p.m.

**Minutes: Mr. Lucy moved to approve the minutes of June 29, 2005 as presented. Mr. Asher-Best seconded it. Vote: 4-0, unanimous.**

**Mr. Asher-Best moved to approve and hold the minutes of the Executive Session of June 29, 2005 as presented. Mr. Lucy seconded it. Vote: 4-0, unanimous.**

**Public Comment:** Mr. Staaterman of 12 Longnook Road asked to have the question of boat storage on Corn Hill beach put on a future BOS agenda. He distributed a proposed beach management plan, explaining that he met with Bob Prescott of MA Audubon and the Beach Supervisor and they had recommended to him that he come up with such a plan. Mr. Gaechter told him it would be placed on next week's agenda.

Jan Worthington asked if the bells were ever going to be turned on again. Mr. Morris told her that we were out to bid on the equipment needed. Mr. Sanguinet clarified that the town must get three quotes; he has received two and the third one is coming. We will accept the low bidder. Mr. Gaechter told her that once the equipment is installed, we will adjust the volume of the bells and the times they will ring.

Ms. Worthington told the BOS that as a police dispatcher, she has received complaints about the limitation on beach fire permits, and she feels that this is creating ill will and that the Board should look at this. As a member of the Fire Department, they never had any complaints or responded to emergency calls and had no problems in terms of public safety, so she feels the limitation should be reconsidered. Mr. Gaechter explained that there were ongoing problems with beach fires and this was a trial and it would be reviewed at the end of the season. He felt that they had some flexibility for people who regularly have beach fires. Ms. Worthington asked about the new rule at Ballston Beach that only three cars could wait for a parking spot, while the others had to move on, and referred to the trouble at Ballston last weekend. Mr. Gaechter explained that spot decisions are made by the Beach Supervisor, and policy is set by the Beach Commission in concert with the BOS. He explained that in the past private driveways had been blocked by waiting cars and so it was disallowed. Ms. Costa decided to allow three cars to wait this year. This past weekend people got belligerent with the beach attendants and ultimately the police were called. This policy must be reviewed. Mr. Gaechter asked the BOS if they had any objection to increasing the allowed fires at Ballston from three to six for this season. Hearing none, he said he would suggest to the Beach Commission that the policy be changed.

**Interview for Assembly of Delegates:** Mr. Schilpp told the Board that he has an idea of the time involved and he has put himself forward. He has been here for 15 years and is aware of the major County issues. He assured the Board that he would do his homework and get input from all appropriate areas. **Mr. Gaechter moved to appoint Fred Schilpp as Truro's representative to the Assembly of Delegates. Mr. Asher-Best seconded it. Vote: 5-0, unanimous.** (Mr. Palmer had arrived by this time.) Ms. Nolan was directed to draft a letter to the Assembly for Mr. Gaechter's signature.

**Interview for Housing Authority:** Mr. Gaechter explained that there will be two openings, one on our local authority and the other a State appointment. Richard Marr was out of town and could not attend this evening. Ms. Kadar told the Board that she believes housing is a basic need, and we are lucky to have people working diligently. Mr. Palmer said that he supports her application, but since the other applicant, Richard Marr, more must be done, and she would like to put time and energy into that. Because of her other affiliations, she has good contacts with people in housing, and she will use those if she is appointed. She would prefer not to be a State appointee. Mr. Currier asked if the Board could wait until the Housing Authority tosses this around to see who would be the best for the State Appointment, and would also like to wait until Mr. Marr is here. **After discussion, Mr. Gaechter moved to appoint Ms. Kadar to one of the two openings on the Housing Authority, subject to the interview with Mr. Marr and discussion with the Housing Authority. Mr. Rose seconded it.** Mr. Palmer pointed out that the Housing Authority has met Mr. Marr and they endorse his appointment, so perhaps the interview could be waived. Mr. Gaechter said he prefers that he come before the BOS. **Vote: 5-0, unanimous.**

**Report on house move:** Ms. Nolan said that Mr. Winkler is to be commended on the move. Mr. Morris reported there was one problem with Mr. Cohen's hedges, and a near slip-up near Mr. Worthington's, but all ended well, and the road needed to be trimmed back anyway. Mr. Currier reported that the Authority will be meeting with the Association to discuss placement of the house and the trimming along the road that will be needed and who will be responsible for fixing anything that is broken during the move. Mr. Morris told the Board that because the Housing Authority decided not to put the garage and porch back on the house once it was moved, and the Beach Department needed more storage room at Head of the Meadow, so he thought it would serve that purpose and save money for the town, so he had it moved there. The storage shed there will be moved to Coast Guard beach to store the life guard's equipment. The decision as to what to do with the garage had to be made right away. Mr. Palmer commended Mr. Morris for his quick thinking. **He moved to approve the placement of the garage at Head of the Meadow beach. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

Mr. Brown said that the Town should pay the Association dues to help build a good relationship. Mr. Currier said that the Housing Authority is going to.

**Affordable Housing Ownership:** Mr. Palmer led the discussion on the ownership of this donated house. He said that Town Counsel recommended getting a counter signed document and that the Housing Authority should be named as the owner. Mr. Currier told them that Nick

Norman is handling the paperwork for them. There is a problem getting insurance on the house and the TCT wants it insured while it sits on its property. He wondered if the house could be under the umbrella of the town's insurance. Ms. Nolan said that it could not, because it is not owned by the town. Mr. Palmer said that Town Counsel also wants the gift of \$10k mentioned in the document. Mr. Gaechter recommended that Mr. Norman, the Housing Authority and the Town Administrator, in consultation with Town Counsel, work out these details. Discussion centered on the need to follow procurement laws. There was disagreement on this, and at the end of the discussion, Ms. Nolan was directed to set up the meeting on the document rewrite as soon as possible and to find out if the town or the Housing Authority is authorized to make the house turn key. Ms. Brazil told them that the Affordable Housing Trust fund can be used as the bills come in; all that is needed is for the bills to be approved, authorizing the expenditures.

Energy Committee/letter: Mr. Gaechter said that a proposed letter from the Energy Committee to the U.S. House of Representatives regarding the US. Plutonium disposition program bordered on policy making, which is the BOS's role. Mr. Holt told them that the letter is now moot since they have acted and took the position the Energy Committee was supportive of. What remains is the basic policy question. Should the BOS make it possible for a committee to draft a letter and have a committee delegate their Chair to assent or dissent on an issue. It was agreed that sometimes this would be an easy decision and sometimes he would need input from his Board. Mr. Asher-Best questioned how autonomous are our multi-member bodies. Mr. Gaechter said that when speaking on behalf of the town, any multi-member body must go the BOS for review. If it is about a timely matter, a special meeting would have to be called. Mr. Holt told the Board that they would likely be bringing something to them about the Energy Bill.

**Cable TV Contract Negotiations:** Mr. Asher-Best said that this has raised a question along the same lines as the previous item. Mr. McCarthy had emailed the other members of CAC, himself and Mr. Sanguinet and told them that other Lower Cape towns were getting together to discuss regionalizing when they renegotiated the Cable TV contract, and that he be the member to attend these meetings. Mr. Sanguinet replied that a decision would have to come from the BOS and the Town Administrator would have to be the negotiator. Mr. Asher-Best questioned if CAC has to go to the BOS to name a representative, since these meetings will not be negotiations with the cable company, but discussions on what may be gained by regionalization, and what things they should go after. Mr. Gaechter and Mr. Palmer thought that did border on negotiations, and he wouldn't have that authority. They didn't have a problem with his attending for preliminary discussions about the feasibility of regionalizing, but Mr. McCarthy would then report to the BOS and the BOS would decide if they wanted to go that way. Mr. Asher-Best said it had been suggested that perhaps Ms. Nolan go with Mr. McCarthy to these meetings. Mr. Gaechter said these issues must be handled on a case by case basis. Mr. Asher-Best questioned if the BOS were micro-managing their committees; this seems to be within the CAC Charge, and Mr. McCarthy would not be committing the town, or even the CAC--just gathering information. **Mr. Gaechter moved that Mr. McCarthy represent Truro along with Ms. Nolan or Mr. Sanguinet to determine the scope of this committee and report back to the BOS. Mr. Asher-Best seconded it. Vote: 5-0, unanimous.** Mr. Asher-Best will inform Mr. McCarthy.

**Planning Board request:** Mr. Gaechter asked for input on who should be participants in the workshop on housing needs that was requested by the Planning Board. Mr. Palmer suggested representatives of the Planning Board, BOH, ZBA, COA, and Housing Authority and some at large members. Mr. Gaechter suggested that they get the core group together to decide the makeup of the other members. This is just a working group, not a standing committee. Ms. Nolan was directed to prepare a memo to the above multi-member bodies setting up a meeting time, either daytime or evening, but separately from the BOS meeting time.

**Waiver of Building Permit Fee:** Principal Davis has requested that the Board waive the building permit fee for the window replacement project at the Truro Central School. **Mr. Asher-Best moved to waive the fee. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

**Goals and Objectives:** Mr. Asher-Best said he would like to use his final report on the goals and objectives, with slight changes to it as the final document for the Board to sign. He asked that the Secretary use their signature stamps. He would like it published on the website. The Board concurred, and Mr. Gaechter suggested that one Tuesday evening be dedicated to setting their new goals and suggested they do so in two weeks. Mr. Asher-Best suggested that Department Heads be invited to attend. Ms. Nolan was directed to send out an e-mail to Department Heads asking again for their input and that they were welcome to attend that session of the BOS.

**Town Administrator's Report:**

- Distributed draft TIP Report, asking for the Board's guidance on whether they wanted to be more aggressive in going after these funds.
- Reported on Pamet Harbor parking requirements. The Public Access Board requires that people parking there are boating, but since we have the Harbor Master office there, she doesn't see how we can limit parking. The Harbor Master told her that the harbor is only busy for a short time, and most of the time parking is not a problem. The PHC and the Harbor Master have this under advisement. With the imminent closure of Wellfleet Harbor, they are looking at possible overflow parking, and possibly reserving spaces for mooring holders.
- Provided the Board with a copy of the East Harbor Restoration progress report. Mr. Gaechter asked Ms. Nolan to see when the NPS can be available to report to the Board on this, and also the land swap issue.
- Copy of a letter sent to the School Committee about green energy. Mr. Gaechter asked that a copy be provided to the Energy Committee, and Mr. Asher-Best will speak to the School Committee as liaison.
- Has written the State formally making Mr. Sanguinet the purchasing officer for the town.
- Provided the Board with the requested seminar information on the ICMA conference.

**Mr. Gaechter moved to authorize Ms. Nolan to attend the ICMA Seminar with the expectation that she would concentrate on sessions pertinent to Truro. Mr. Asher-Best seconded it. Vote: 5-0, unanimous.**

**Selectmen/Liaison Reports:**

**Lucy:** -Attended the ConsCom meeting and learned that Mr. Downey has not accepted his

reappointment, but has resigned instead. Ms. McCutcheon is now the Chairman. They discussed Duarte Park and their plans to clear out the trees of love and the locust and replant black pine or Austrian pine as a buffer along the road. They plan to leave the stumps, which concerns Mr. Lucy. He would like to see them pulled out instead; they could be a trip hazard. They also plan a look out platform, kayak launch and benches, which they will do in phases. Mr. Gaechter said they need to sit down with them- the Open Space and the ConsCom. He suggested a joint meeting be scheduled and he will represent the BOS since he is liaison. Mr. Sanguinet was to coordinate with the ConsCom and Open Space Committee to get this on their agenda, but not before August 1<sup>st</sup>.

- Spoke to a rumor he heard that he is trying to stop the Post Office. This is not true.
- Reported that some people from North Truro have spoken to him with their concern about what is going on there. He was surprised at some of the mis-information at the NTVC meeting, even from some of the members. Mr. Gaechter disagreed that they are upset because he has spoken to each and every one of them and they are all calmed down. Mr. Lucy said it is Mr. Grozier's intention to get signatures from people to stop the project; they want to be left alone. Mr. Gaechter suggested that Mr. Lucy be the liaison and he will withdraw. Mr. Lucy was agreeable to this. Mr. Gaechter said he hopes that Mr. Lucy will be supportive of what the BOS voted to do.

**Gaechter:** -Reported on the public meeting on the Community Center project. It was well attended and good input was received. He distributed a print out of the boarded input.

- Expressed his concern with how the July 4<sup>th</sup> fireworks had impacted Truro, particularly the traffic bottlenecks it created in Truro, with serious accidents occurring. Five ambulances were out of town on other calls and that left only one available to respond to the accident where seven people required transport. Ambulances were called in from as far away as Brewster. He is encouraged that our Chiefs have gotten together with Provincetown's Chiefs to discuss this. We need to get a working relationship on events like this that will impact Truro.

- He received an e-mail from a citizen regarding the use of Noon's Beach parking lot for shuttle parking. He took a site visit with Ms. Nolan, and it is a large parking lot and not used heavily. He would like the BOS to think of a method by which it can be used, or even the Beach Point Landing lot, for shuttle parking. The contract under which it was purchased says it is to be used for recreational use. The consensus was to do this. A pass system was considered, but it was decided that to begin with, Ms. Nolan will inform the Beach Supervisor not to ticket at the Noon's Beach and Beach Point Landing lots.

**Other business:** Mr. Roderick and Mr. Sateriale asked if they could update the Board on the Post Office. They have negotiated a deal with Ms. Walker and it has gone to Washington. Usually when she sends something to Washington, it is approved, so they are very optimistic. The house on the lot is historic, and that may be a problem. They have to relocate their business, the metal building is to be torn down and also the house. The USPS wants exclusive use of the corner property and is willing to pay more for it and it is not financially feasible for them to build anything else there. They will need a new garage and want to put up an attractive wood building, longer and shallower than what they have now. They plan to share a driveway with the Post Office. The USPS may build a two-tier building; their plans are not done yet. Mr. Gaechter understood that the State was involved because of the historic house, but the Post Office has

been decreed to be more important, and they are working together to see what can be done about the house. Mr. Roderick said that they have applied for a building permit for this new garage and were told it needed a site plan review. So now they are stalled. They applied back in March and nothing further has happened. Since the Post Office is not a money maker--at least not for many years, and they are being accommodating to the town, they would like to have the site plan waived. Mr. Sateriale said that the Chair of the Planning Board suggested they come to the BOS. Mr. Gaechter said he understands that the Planning Board wants to do this whole project in one site review, and Mr. Sateriale and Mr. Roderick don't want to move their garage until they know they will get site plan approval. He suggested perhaps the BOS write a letter to the Planning Board asking that they consider waiving the site plan review. Mr. Sateriale pointed out that they are planning to remove a metal building and put up a much more attractive one, and a new Post Office will only enhance the village, and if they cannot relocate their garage, they have no interest in building a Post Office and so it would have to be built on the backup site. He went on to point out that the new building will be set back so that other buildings could potentially be built in front for other purposes. He also said he and Mr. Roderick may not want their business located there forever, or even to run that business and the new building was designed so that it could easily be modified for other uses. Mr. Gaechter said that he needs a week to think about this, and to discuss it in Executive Session. Mr. Sanguinet suggested that they call the Planning Board secretary to get on their agenda as soon as possible because whatever the BOS decide, they will have to go before the Planning Board.

**At 9:16 p.m. Mr. Gaechter moved to convene in Executive Session under the provisions of MGL Chapter 39, Section 23B to discuss strategy with respect to negotiation and litigation and to not reconvene in Open Session. Roll Call Vote: Asher-Best, aye; Palmer, aye; Gaechter, aye; Lucy, aye; Rose, aye. 5-0, unanimous.**

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Alfred Gaechter, Chairman

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Gary Palmer, Vice-Chairman

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Paul Asher-Best, Clerk

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Lloyd F. Rose

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Christopher R. Lucy

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